

ENTERED

September 11, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

| | | |
|---------------------------------------|---|----------------|
| T&W HOLDING CO., LLC, <i>et al.</i> , | § | |
| | § | |
| Plaintiffs. | § | |
| | § | |
| Vs. | § | NO. 3:22-cv-07 |
| | § | |
| CITY OF KEMAH, TEXAS, | § | |
| | § | |
| Defendant. | § | |

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On April 7, 2022, the court referred all pretrial matters in this case to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1). Dkt. 19. Judge Edison filed a memorandum and recommendation on July 25, 2024, Dkt. 79, recommending that the court grant the defendant's motion to dismiss, Dkt. 53.


On August 8, 2024, the plaintiffs filed their objections to the memorandum and recommendation. Dkt. 80. In accordance with 28 U.S.C. § 636(b)(1)(C), this court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the court may "accept, reject, or modify, in

whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The court has considered the objections; the memorandum and recommendation; the pleadings; and the record. The court accepts Judge Edison’s memorandum and recommendation and adopts it as the opinion of the court. It is therefore ordered that:

- (1) The court approves and adopts Judge Edison’s memorandum and recommendation, Dkt. 79, in its entirety as the holding of the court; and
- (2) the court GRANTS the defendant’s motion to dismiss, Dkt. 53.

SIGNED on Galveston Island this 11th day of September, 2024.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE